

# HOUSE BILL REPORT

## SB 5694

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**As Passed House:**

March 1, 2022

**Title:** An act relating to recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into agreements on matters to include the housing of inmates convicted in tribal court.

**Brief Description:** Recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into agreements on matters to include the housing of inmates convicted in tribal court.

**Sponsors:** Senators Stanford, Robinson and Wilson, C..

**Brief History:**

**Committee Activity:**

Public Safety: 2/17/22, 2/22/22 [DP].

**Floor Activity:**

Passed House: 3/1/22, 95-0.

**Brief Summary of Bill**

- Authorizes the Secretary of the Department of Corrections (DOC) to contract and enter into agreements with federally recognized tribes providing for the operation of any correctional facility or program for persons convicted of certain crimes and sentenced by the authority of federally recognized tribes, subject to certain requirements.
- Authorizes the DOC to receive and imprison persons sentenced by the authority of federally recognized tribes in a state correctional institution.

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**HOUSE COMMITTEE ON PUBLIC SAFETY**

**Majority Report:** Do pass. Signed by 13 members: Representatives Goodman, Chair;

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis, Graham, Griffey, Hackney, Orwall, Ramos, Simmons, Thai and Young.

**Staff:** Corey Patton (786-7388).

**Background:**

A federally recognized tribe is an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation. A tribe may receive federal recognition by federal congressional Act, by specific federal administrative procedures, or by decision of a federal court. There are 574 federally recognized American Indian and Alaska Native tribes and villages.

The Secretary of the Department of Corrections (DOC) is responsible for the administration of adult correctional programs, including operation of all state correctional institutions or facilities used for the confinement of convicted felons. The Secretary of the DOC is authorized to enter into agreements with any federal agency, any other state, or any state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. The DOC is authorized to receive and imprison persons sentenced by the authority of the United States or of any state or territory of the United States in a state correctional institution. The Secretary of the DOC is authorized to contract with the proper officers or agencies of those jurisdictions, subject to the state's per diem rate for keeping persons imprisoned and the availability of vacant space and unused facilities.

**Summary of Bill:**

The Secretary of the Department of Corrections (DOC) is authorized to enter into agreements with federally recognized tribes providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. The DOC is authorized to receive and imprison persons sentenced by the authority of federally recognized tribes in a state correctional institution. The Secretary of the DOC is authorized to contract with the proper officers or agencies of federally recognized tribes, subject to the state's per diem rate for keeping persons imprisoned and the availability of vacant space and unused facilities.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is a very simple piece of legislation that will radically improve lives. Although some tribal courts are authorized to sentence individuals up to three years for certain crimes, the only facilities currently available to house these individuals are county jails which were not intended to house inmates for more than one year. This bill will significantly improve the circumstances for these individuals by creating opportunities for them to access long-term treatment, continuing education, Native American cultural or spiritual practices, outdoor recreation, and re-entry programs in state correctional facilities.

(Opposed) None.

**Persons Testifying:** Misty Napeahi, Tulalip Tribes of Washington.

**Persons Signed In To Testify But Not Testifying:** None.